

REMARKS

The Official Action mailed October 29, 2008, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Applicant notes with appreciation the consideration of the Information Disclosure Statement filed on November 17, 2003.

A further Information Disclosure Statement is submitted herewith and consideration of this Information Disclosure Statement is respectfully requested.

Claims 1-36 are pending in the present application of which claims 1, 10, 19 and 28 are independent. Claims 1-3, 10-12, 19-21 and 28-30 have been amended to better recite the features of the present invention. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

The Official Action objects to claims 1, 10, 19 and 28 asserting that "the word 'external' needs to be followed by some type of noun which describes where the optical signal is input from" (page 2, Paper No. 20081022). In response, the recitation of "external" has been removed from claims 1, 10, 19 and 28; therefore, the above-referenced objections are now moot.

The Official Action objects to claim 28 asserting that "the limitation 'wherein said optical sensor is configured with a plurality of different semiconductor layers and controlled by thin film transistors formed with semiconductors which are different from each other, respectively' is unclear" and that "[i]t is unclear whether the semiconductive materials of the sensors are different from those of the TFTs or if the TFTs are comprised of different types of semiconductive materials" (pages 2-3, Id.). In response, claim 28 has been amended to recite "wherein each of said optical sensor is formed on different layers each other in the plurality of the laminated layers, wherein each of said optical sensor is controlled by the thin film transistor connected to the optical sensor."

Amended claim 28 is believed to be clear. Reconsideration and withdrawal of the objections are respectfully requested.

The Official Action rejects claims 1, 8-10, 17 and 18 as anticipated by U.S. Patent No. 5,268,679 to Shannon. The Applicant respectfully submits that an anticipation rejection cannot be maintained against the independent claims of the present application, as amended. The Official Action rejects claims 2-7, 11-16 and 19-36 as obvious based on Shannon. The Applicant respectfully submits that a *prima facie* case of obviousness cannot be maintained against the independent claims of the present application, as amended.

As stated in MPEP § 2131, to establish an anticipation rejection, each and every element as set forth in the claim must be described either expressly or inherently in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

As stated in MPEP §§ 2142-2143.01, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some reason, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some reason to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The prior art, either alone or in combination, does not teach, either explicitly or inherently, or suggest all the features of the independent claims, as amended. Specifically, claims 1, 10, 19 and 28 have been amended to recite a lamination structure, the relationship between an optical shutter, an optical sensor, an electronic circuit including thin film transistors, and additional thin film transistors. Also, the claims have been amended to recite features of an electric source; buffer; a connection relationship between the optical sensor, the additional thin film transistor, the electric source and the buffer; and the relationship between the buffer and an electronic signal. These features are supported in the present specification, for example, by at least Embodiment 1 (page 10, line 1, through page 12, line 7), and Figures 4 and 6. Shannon does not teach, either explicitly or inherently, or suggest the above-referenced features of the present invention.

Since Shannon does not teach, either explicitly or inherently, or suggest the above-referenced features of the present invention, anticipation and obviousness rejections cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. §§ 102 and 103 are in order and respectfully requested.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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